

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

481H0352

HOUSE BILL NO. 1182

Introduced by: Representatives Madsen, Abdallah, Brown (Jarvis), Duenwald, Duniphan, Eccarius, Hennies (Thomas), Juhnke, Koistinen, McCaulley, Michels, Peterson (Bill), Sebert, and Teupel and Senators Daugaard, McCracken, and Moore

1 FOR AN ACT ENTITLED, An Act to allow evidence of a prior offense of sexual assault under
2 certain circumstances when a defendant is charged with a sex crime.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 19-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 In a criminal case in which the defendant is accused of an offense proscribed by chapter 22-
7 22, evidence of the defendant's commission of any other offense of sexual assault is admissible
8 and may be considered for its bearing on any matter to which it is relevant. In such a case in
9 which the state intends to offer evidence under this section, the attorney for the state shall
10 disclose the evidence to the defendant, including statements of witnesses or a summary of the
11 substance of any testimony that is expected to be offered, at least fifteen days prior to the
12 scheduled date of trial or at such later time as the court may allow for good cause.

13 For the purposes of this section, an offense of sexual assault means any crime under the laws
14 of the United States or the law of any other state that involved:



- 1 (1) Any conduct proscribed by 18 U.S.C. chapter 109A; or
- 2 (2) Any conduct proscribed by chapter 22-22.